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UNCLAS QUITO 000883

SIPDIS

E.O. 12958: N/A

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SUBJECT: EARLY ELECTIONS REQUIRE CONSTITUTIONAL CHANGE

REF: A. QUITO 881

[1](#)B. QUITO 874

[1](#)1. SUMMARY: Numerous Ecuadorians consider Alfredo Palacio an interim president and are demanding that he call early elections. The constitution does not contemplate such a move, however. Reforming Ecuador's supreme law requires either a two-thirds majority of Congress or a successful referendum. Nevertheless, if Palacio wants early elections, we'd bet he gets them. END SUMMARY.

[1](#)2. Emboldened by their success in taking down ex-President Lucio Gutierrez April 20, a wide range of Ecuadorians -- street protesters, TV commentators, even provincial politicians -- are demanding that President Palacio preside over a caretaker government while simultaneously calling for immediate elections. In his first press conference as chief executive, Palacio voiced opposition to such a move, claiming it played into the hands of establishment politicians hungry to fill the vacuum Gutierrez left (Ref B). Palacio claimed he would heed the public's call if it proved overwhelming, however.

[1](#)3. Ecuador enjoys a purely presidential (as opposed to parliamentary) form of government. Dissolving Congress is not contemplated under the constitution, for example, nor is calling early elections. Article 164 states that the president's term, which lasts four years, commences on the January 15th following the election (which normally takes place in October or November). No other articles deal specifically with election timing.

[1](#)4. Poloff April 21 spoke with Jose Gabriel Teran, the octogenarian head of international relations at the Supreme Electoral Tribunal and perhaps Ecuador's foremost election expert. Teran agreed the constitution did not contemplate early elections. To call them legally, Teran continued, the sponsor would first need a constitutional amendment. Article 280 outlines the process, noting the constitution may be changed in two manners. In the first, Congress may pass a constitutional reform law; a two-thirds majority is required, and one year must pass between first and second plenary debates. The second requires the president to submit the proposed amendment to a referendum after first consulting Congress. Past history shows the referendum option, while quicker than the reform law, would still require at least three months, anathema to those seeking immediate change.

[1](#)5. COMMENT: As noted in Ref A, Ecuadorian politicians enjoy great freedom in interpreting their constitution as circumstances demand. Should pressures mount on Palacio to call immediate elections, we doubt legal provisions will keep him from doing so.

KENNEY